

## **REMARKS**

Applicant intends this response to be a complete response to the Examiner's **08 October 2010** Final Office action. Applicant has labeled the paragraphs in his response to correspond to the paragraph labeling in the Office Action for the convenience of the Examiner.

### **DETAILED ACTION**

#### ***Claims***

The Examiner states and/or contends as follows:

1. Claims 123-125 and 128-148 are pending with claims 123-125, 128-143 and 145-148 allowed and claim 144 rejected.

Applicants acknowledge the Examiner's statements.

### **WITHDRAWN OBJECTIONS**

The Examiner states and/or contends as follows:

2. All objections of record in the Office action mailed 5/21/2010 have been withdrawn due to Applicant's amendments in the Paper filed 9/21/2010.

Applicants acknowledge the Examiner's statements.

### **WITHDRAWN REJECTIONS**

The Examiner states and/or contends as follows:

3. All rejections of record in the Office action mailed 5/21/2010 have been withdrawn due to Applicant's amendments in the Paper filed 9/21/2010.

Applicants acknowledge the Examiner's statements.

### **NEW REJECTIONS**

#### ***Claim Rejections - 35 USC § 112***

5. Claim 144 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The Examiner states and/or contends as follows:

6. The phrase "includes at least one further array of substantially parallel second strands" in claim 144, lines 2-3 is new matter as the "at least one" language includes values of 1, 10, 100, etc. Page 10 of the Specification discusses an array of strands and FIG-1 discloses at most 5 groups of strands. The disclosure as filed does not disclose an unlimited number of arrays. Clarification and/or correction required.

Applicants have amended claims 144 to recite a second array of strands different from the first array of strands. Support for this claim can be found generally in the specification and specifically at original claim 20 of the published application US 2005009541. Applicant believe that these amendments address the rejection of the Examiner and respectfully request withdrawal of this rejection.

7. Claim 144 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner states and/or contends as follows:

8. The phrase "includes at least one further array of substantially parallel second strands" in claim 144, lines 2-3 is vague and indefinite as it is unclear what is the difference between a single array of parallel spaced strands and two parallel arrays of spaced strands. Clarification and/or correction required.

Applicants have amended claims 144 to recite a second array of strands different from the first array of strands. Support for this claim can be found generally in the specification and specifically at original claim 20 of the published application US 2005009541. Applicant believe that these amendments address the rejection of the Examiner and respectfully request withdrawal of this rejection.

### **ANSWERS TO APPLICANT'S ARGUMENTS**

The Examiner states and/or contends as follows:

9. In response to Applicant's arguments (See *pp. 1-23 of Applicant's Paper filed 812312010.*) regarding the amended claims and the prior art of record, it is noted that the amendments and arguments are effective in overcoming all previous objections and rejections.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Applicant acknowledges the statements of the Examiner.

Having fully responded to the Examiner's Non-Final Office Action, Applicant respectfully urges that is application be passed onto allowance.

If it would be of assistance in resolving any issues in this application, the Examiner is kindly invited to contact applicant's attorney Robert W. Strozier at 713.977.7000

**The Commissioner is authorized to charge or credit Deposit Account 501518 for any additional fees or overpayments.**

Date: **5 November 2010**

Respectfully submitted,

**/Robert W. Strozier/**

Robert W. Strozier, Reg. No. 34,024